

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND

UNITED STATES

v.

ANTONIO GREEN

Defendant

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Case No. RDB-20-059

MOTION TO SUPPRESS SEIZURE, SEARCH, AND DERIVATIVE EVIDENCE

Comes now Antonio Green, the Defendant, by and through Andrew R. Szekely, Assistant Federal Public Defender, and hereby moves to suppress his stop, seizure, and search as well as all evidence in this case that is derivative of his unlawful seizure and subsequent search. In support thereof he states as follows.

Mr. Green is charged in a one-count indictment with: Being a Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g). Mr. Green was arrested and searched without a valid search or arrest warrant.

Searches and seizures conducted absent a warrant based upon probable cause and issued by a judicial officer are *per se* unreasonable under the Fourth Amendment. *United States v. Ramapuram*, 632 F.2d 1149, 1153 (4th Cir. 1980) (citing *Katz v. United States*, 389 U.S. 347, 357 (1967)). Where there has been a warrantless search and seizure, the Government bears the burden of showing by a preponderance of the evidence that the search in question falls into a valid exception to the warrant requirement. *United States v. Block*, 590 F.2d 535, 539 (4th Cir. 1978) (citing *Bumper v. North Carolina*, 391 U.S. 543 (1968)).

Here, the government does not claim that there was an arrest warrant for Mr. Green. Thus, his seizure and subsequent search are only lawful if the police officers' conduct fits within one of the narrow exceptions to the Fourth Amendment's warrant requirement. Mr. Green expects to show at a hearing that the government cannot carry its burden in this respect. Therefore, the Court should suppress any items seized from Mr. Green as well as all other derivative evidence, including his statement to police regarding the gun that resulted from his illegal seizure and search.

Respectfully submitted,

James Wyda
Federal Public Defender
for the District of Maryland

____/s/_____
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REQUEST FOR HEARING

Pursuant to Rule 105.6 of the Local Rules of the United States District Court for the District of Maryland, the Defendant requests a hearing on this motion.

/s/

Andrew Szekely
Assistant Federal Public Defender